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Attorneys for Plaintiff NetFuel, Inc.

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

NETFUEL, INC.,

Plaintiff,

vs.

CISCO SYSTEMS, INC.,

Defendant.

Case No. 5:18-cv-2352-EJD (NMC)

**AGREED MOTION TO DISMISS WITH
 PREJUDICE**

AGREED MOTION TO DISMISS WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate agreement, the Plaintiff NetFuel, Inc. (“NetFuel”) and Defendant Cisco Systems, Inc. (“Cisco”) have agreed to settle, adjust, and compromise all claims and counterclaims in the above-captioned action, with the Court retaining jurisdiction over any controversy or claim relating to the terms and conditions of the parties’ settlement agreement until the date that Cisco makes the payment specified in Section 4.2 of that agreement. The parties,

1 therefore, move this Court to dismiss the above-entitled cause and all claims by NetFuel
 2 against Cisco and all counterclaims by Cisco against NetFuel made therein with prejudice
 3 to the re-filing of same.

4 The parties further move the Court to order that all costs and expenses relating to
 5 this litigation (including attorney and expert fees and expenses) shall be borne solely by the
 6 party incurring same.

7 A proposed Order accompanies this motion.

8 AGREED:

9 /s/ Matthew R. Berry

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